Mark A. Hutchison (4639)
L. Kristopher Rath (5749)
Hutchison & Steffen, LLC
Peccole Professional Park
10080 Alta West Drive, Suite 200
Las Vegas, Nevada 89145
Telephone: (702) 385-2500
Facsimile: (702) 385-2086

Attorneys for Plaintiff/Counter-Defendant
1st TECHNOLOGY, LLC

HUTCHISON & STEFFEN
A PROFESSIONAL LLC
PECCOLE PROFESSIONAL PARK
10080 ALTA DRIVE, SUITE 200
LAS VEGAS, NEVADA 89145

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

1ST TECHNOLOGY LLC, Plaintiff, v. IQ-LUDORUM PLC, PLAYTECH CYPRUS LTD., TILTWARE LLC, and KOLYMA CORPORATION, A.V.V., Defendants.	CASE NO.: 2:06-cv-323-LDG-RJJ **ANSWER OF PLAINTIFF/COUNTER-DEFENDANT 1ST TECHNOLOGY LLC TO DEFENDANT/COUNTER-CLAIMANT TILTWARE LLC'S COUNTER-CLAIM**
TILTWARE LLC, Counter-Claimant, v. 1ST TECHNOLOGY LLC, Counter-Defendant.	

COMES NOW Counter-Defendant, 1ST TECHNOLOGY LLC ("1st Technology"), by and through its counsel of record, HUTCHINSON & STEFFEN, LLC, and for its Answer to Counter-Claimant Tiltware LLC's ("Tiltware") Counter-Claim states as follows:

PARTIES

1. In response to paragraph 24 of Counter-Plaintiff's Counter-Claim, this Answering Counter-Defendant admits that Tiltware is a corporation organized under the laws of the State of California with its principal place of business in Los Angeles, California. As to the remainder of

Dockets.Justia.com

HUTCHISON & STEFFEN
A PROFESSIONAL LLC
PECCOLE PROFESSIONAL PARK
10080 ALTA DRIVE, SUITE 200
LAS VEGAS, NEVADA 89145

the allegations contained in this paragraph, Counter-Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations and therefore denies the allegations contained therein.

2. In response to paragraph 25 of Counter-Plaintiff's Counter-Claim, this Answering Counter-Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraph and therefore denies the allegations contained therein.

JURISDICTION

3. This Answering Counter-Defendant admits paragraphs 26 and 27 of Counter-Plaintiff's Counter-Claim.

BACKGROUND

4. This Answering Counter-Defendant admits paragraph 28 of Counter-Plaintiff's Counter-Claim.

5. In response to paragraph 29 of Counter-Plaintiff's Counter-Claim, this Counter-Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraph and therefore denies the allegations contained therein.

FIRST CAUSE OF ACTION
Declaratory Judgment of Noninfringement

6. In response to paragraph 30 of Counter-Plaintiff's Counter-Claim, this Answering Counter-Defendant repeats and realleges its answers to paragraphs 24 through 29 of the Counter-Claim above as though they were fully set forth in this paragraph.

7. Answering paragraphs 31, 32, 34 and 36 of Counter-Plaintiff's Counter-Claim, this Answering Counter-Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraphs and therefore denies the allegations contained therein.

8. In response to paragraph 33 of Counter-Plaintiff's Counter-Claim, this Answering Counter-Defendant admits that 1st Technology owns valid and enforceable rights to the '001 Patent and has filed an action against Counter-Plaintiff Tiltware. As to the remainder of the allegations contained in this paragraph, Counter-Defendant is without knowledge or information

HUTCHISON & STEFFEN
A PROFESSIONAL LLC
PECCOLE PROFESSIONAL PARK
10080 ALTA DRIVE, SUITE 200
LAS VEGAS, NEVADA 89145

sufficient to form a belief as to the truth of those allegations and therefore denies the allegations contained therein.

9. In response to paragraph 35 of Counter-Plaintiff's Counter-Claim, this Answering Counter-Defendant admits that 1st Technology owns valid and enforceable rights to the '001 Patent and has filed an action against Counter-Plaintiff Tiltware. As to the remainder of the allegations contained in this paragraph, Counter-Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations and therefore denies the allegations contained therein.

SECOND CAUSE OF ACTION
Declaratory Judgment of Invalidity

10. In response to paragraph 37 of Counter-Plaintiff's Counter-Claim, this Answering Counter-Defendant repeats and realleges its answers to paragraphs 24 through 36 of the Counter-Claim above as though they were fully set forth in this paragraph.

11. Answering paragraphs 38, 39, 41 and 43 of Counter-Plaintiff's Counter-Claim, this Answering Counter-Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraphs and therefore denies the allegations contained therein.

12. In response to paragraph 40 of Counter-Plaintiff's Counter-Claim, this Answering Counter-Defendant admits that 1st Technology owns valid and enforceable rights to the '001 Patent and has filed an action against Counter-Plaintiff Tiltware. As to the remainder of the allegations contained in this paragraph, Counter-Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations and therefore denies the allegations contained therein.

13. In response to paragraph 42 of Counter-Plaintiff's Counter-Claim, this Answering Counter-Defendant admits that 1st Technology owns valid and enforceable rights to the '001 Patent and has filed an action against Counter-Plaintiff Tiltware. As to the remainder of the allegations contained in this paragraph, Counter-Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations and therefore denies the allegations contained therein.

HUTCHISON & STEFFEN
A PROFESSIONAL LLC
PECCOLE PROFESSIONAL PARK
10080 ALTA DRIVE, SUITE 200
LAS VEGAS, NEVADA 89145

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Counter-Claimant fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Counter-Claimant's claims are precluded under the doctrines of waiver, estoppel and/or laches.

THIRD AFFIRMATIVE DEFENSE

Counter-Claimant's declaratory relief claims are unnecessary to establish the rights of the parties.

FOURTH AFFIRMATIVE DEFENSE

Counter-Claimant's claims are barred by the statute of limitations.

FIFTH AFFIRMATIVE DEFENSE

Counter-Claimant has unclean hands.

SIXTH AFFIRMATIVE DEFENSE

Counter-Defendant 1st Technology reserves its rights to claim additional affirmative defenses as discovery proceeds and new facts become known.

Therefore, Counter-Defendant prays for judgment as follows: (1) that Counter-Defendant be awarded judgment in its Complaint against Defendant/Counter-Claimant Tiltware; (2) that Counter-Defendant be awarded reasonable attorney's fees and costs incurred in defending this Counter-Claim; and (3) that Counter-Defendant be awarded such other and further relief as the Court deems just and proper.

DATED this 20th day of September, 2007.

HUTCHISON & STEFFEN, LLC

[signature]

Mark A. Hutchison (4639)
L. Kristopher Rath (5749)
Peccole Professional Park
10080 Alta West Drive, Suite 200
Las Vegas, Nevada 89145

HUTCHISON & STEFFEN
A PROFESSIONAL LLC
PECCOLE PROFESSIONAL PARK
10080 ALTA DRIVE, SUITE 200
LAS VEGAS, NEVADA 89145

CERTIFICATE OF SERVICE

Pursuant to F.R.C.P. 5(b), I certify that I am an employee of HUTCHISON & STEFFEN, LLC and that on this 20th day of September, 2007, I caused the above and foregoing document entitled: **ANSWER OF PLAINTIFF/COUNTER-DEFENDANT 1ST TECHNOLOGY LLC TO DEFENDANT/COUNTER-CLAIMANT TILTWARE LLC'S COUNTER-CLAIM** to be served via electronically through ECF/PACER to the attorneys listed below:

Michael J. McCue, Esq.
LEWIS & ROCA, LLP
3993 Howard Hughes Pkwy., Suite 600
Las Vegas, Nevada 89109
Counsel for Defendant/Counter-Plaintiff
TILTWARE LLC

Charles W. Jirauch, Esq.
QUARLES & BRADY, LLP
Two North Central Avenue
Phoenix, Arizona 85004
Co-Counsel for Defendant/Counter-Plaintiff
TILTWARE, LLC

____
An Employee of Hutchison & Steffen, LLC